



10-2004

155/1651  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Maingault, P. *et al.*

Group Art Unit: 1651

Application No.: 09/364,908

Examiner: Witz, J.C.

Filed: July 27, 1999

Attorney Docket No.: 43869.016200

For: SYSTEM FOR TREATING WOUNDS AND METHOD FOR PRODUCING THIS SYSTEM

MAIL STOP APPEAL BRIEF-PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPEAL BRIEF

Sir:

This is an appeal from the final rejection of claims 17 to 35 which are all of the claims pending in this application.

REAL PARTY IN INTEREST

This application is assigned to Les Laboratoires Brotherier.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF THE CLAIMS

The instant application was filed continuing original claims 1 to 16. Claims 1 to 16

were cancelled and replaced with claims 17 to 35. In the amendment filed on March 18, 2002, claim 17 was amended. Pending claims 17 to 35 are the claims on appeal in this

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FC:2402 2002, claim 17 was amended. Pending claims 17 to 35 are the claims on appeal in this

Wny2-srv01742986v01

|                     |           |
|---------------------|-----------|
| FEE VALUE           |           |
| ACCOUNTABILITY      |           |
| DEPOSIT ACCOUNT NO. |           |
| 50                  | 1561      |
| FEE                 | VALUE     |
| CODE                | FURNISHED |
| 2402                | 16504     |
|                     |           |
|                     |           |
|                     |           |

CONCLUSION

Appellant urges for the reasons given above that the present claims are allowable over the applied prior art. The Examiner is requested to reconsider the §102 and §103 rejections and withdraw these rejections.

If the Examiner maintains these rejections, appellant respectfully request that the Board reverse the Examiner's §102 and §103 rejections.

Dated: 06/21/09

Respectfully submitted,

By: Eugene C. Rzucidlo  
Eugene C. Rzucidlo  
Registration No. 31,900  
Customer Number: 32361

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 665

## Complete If Known

Application Number 09/364,908  
Filing Date July 27, 1999  
First Named Inventor Maingault, P. et al.  
Examiner Name Witz, J.C.  
Art Unit 1651  
Attorney Docket No. 43869.016200

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 50-1561  
Deposit Account Name Greenberg Traurig LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description        | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 1001 770                   | 2001 385                   | Utility filing fee     |          |
| 1002 340                   | 2002 170                   | Design filing fee      |          |
| 1003 530                   | 2003 265                   | Plant filing fee       |          |
| 1004 770                   | 2004 385                   | Reissue filing fee     |          |
| 1005 160                   | 2005 80                    | Provisional filing fee |          |
| SUBTOTAL (1) (\$)          |                            |                        | 0        |

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  | Fee Paid |
|----------------------------|----------------------------|--|----------|
| 1202 18                    | 2202 9                     | Claims in excess of 20                                     |          |
| 1201 86                    | 2201 43                    | Independent claims in excess of 3                          |          |
| 1203 290                   | 2203 145                   | Multiple dependent claim, if not paid                      |          |
| 1204 86                    | 2204 43                    | ** Reissue independent claims over original patent         |          |
| 1205 18                    | 2205 9                     | ** Reissue claims in excess of 20 and over original patent |          |
| SUBTOTAL (2) (\$)          |                            |  | 0        |

\*for number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity Fee Code (\$)        | Small Entity Fee Code (\$) | Fee Description  | Fee Paid |
|-----------------------------------|----------------------------|--|----------|
| 1051 130                          | 2051 65                    | Surcharge - late filing fee or oath  |          |
| 1052 50                           | 2052 25                    | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053 130                          | 1053 130                   | Non-English specification  |          |
| 1812 2,520                        | 1812 2,520                 | For filing a request for <i>ex parte</i> reexamination                     |          |
| 1804 920*                         | 1804 920*                  | Requesting publication of SIR prior to Examiner action                     |          |
| 1805 1,840*                       | 1805 1,840*                | Requesting publication of SIR after Examiner action                        |          |
| 1251 110                          | 2251 55                    | Extension for reply within first month                                     |          |
| 1252 420                          | 2252 210                   | Extension for reply within second month                                    |          |
| 1253 950                          | 2253 475                   | Extension for reply within third month                                     |          |
| 1254 1,480                        | 2254 740                   | Extension for reply within fourth month                                    |          |
| 1255 2,010                        | 2255 1,005                 | Extension for reply within fifth month                                     |          |
| 1401 330                          | 2401 165                   | Notice of Appeal   |          |
| 1402 330                          | 2402 165                   | Filing a brief in support of an appeal                                     |          |
| 1403 290                          | 2403 145                   | Request for oral hearing   |          |
| 1451 1,510                        | 1451 1,510                 | Petition to institute a public use proceeding                              |          |
| 1452 110                          | 2452 55                    | Petition to revive - unavoidable   | \$665    |
| 1453 1,330                        | 2453 665                   | Petition to revive - unintentional   |          |
| 1501 1,330                        | 2501 665                   | Utility issue fee (or reissue)   |          |
| 1502 480                          | 2502 240                   | Design issue fee   |          |
| 1503 640                          | 2503 320                   | Plant issue fee  |          |
| 1460 130                          | 1460 130                   | Petitions to the Commissioner  |          |
| 1807 50                           | 1807 50                    | Processing fee under 37 CFR 1.17(q)  |          |
| 1806 180                          | 1806 180                   | Submission of Information Disclosure Stmt                                  |          |
| 8021 40                           | 8021 40                    | Recording each patent assignment per property (times number of properties) |          |
| 1809 770                          | 2809 385                   | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810 770                          | 2810 385                   | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801 770                          | 2801 385                   | Request for Continued Examination (RCE)                                    |          |
| 1802 900                          | 1802 900                   | Request for expedited examination of a design application                  |          |
| Other fee (specify)               |                            |  |          |
| *Reduced by Basic Filing Fee Paid |                            |  |          |
| SUBTOTAL (3) (\$)                 |                            |  | 665      |

## SUBMITTED BY

Name (Print/Type) Eugene C. Rzucidlo Registration No. 31.900 Telephone 212-801-2100  
Signature [Signature] Date June 21, 2004

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